

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of Annual Assessment of the Status of
Competition in the Market for the
Delivery of Video Programming

MB Docket No. 12-203

COMMENTS OF
CreaTV San Jose

CreaTV San Jose submits these comments in response to the above captioned Notice of Inquiry (“NOI”), released July 20, 2012, seeking “data, information, and comment on the state of competition in the delivery of video programming.”

CreaTV San Jose is a non-profit community media center serving over 1 million people in the Silicon Valley region. CreaTV San Jose provides 120 digital media workshops to the community annually; manages four commercial free cable channels; provides low cost video production services to 150 local organizations and scores of individual community producers. CreaTV San Jose manages a community media facility open to the public, complete with two studios, 5 editing suites, training facilities and ten field camera packages.

Comcast provides up to 6 PEG channels in San Jose. AT&T does not carry our channels. Due to the fact that the quality of their PEG channel delivery is substandard, and the common functionality of a cable channel is not available to PEG channels on their system (can’t DVR, can’t use the “last” function, etc.), CreaTV will not send them our community channels.

Anyone with basic Comcast Cable can receive our channels. We do not however have HD channels from Comcast, but we have the capability of delivering them an HD signal. Because the state franchise law does not require cable cos to provide HD channels to PEG like they do broadcast channels, we are stuck in Standard Definition. CreaTV tracks content submitted for its channels. In 2011, 4,781 were turned in to the community channels for airing.

AT&T customers have contacted our station asking why our channels aren’t on their line up. We have explained that since AT&T is not delivering our channels with the same quality and functionality as broadcast channels (as they are required to by state law), we will not distribute our channels on AT&T U-Verse. We regularly get complaints that AT&T doesn’t carry CreaTV’s channels. Because of the lack of complete channel functionality, those who are blind would have no way of navigating to our channels. You have to be able to see to navigate through the various submenus of community

programming on U-Verse, where as regular channels do not have submenus.

In 2006, a state franchising law (DIVCA) passed in California, resulting in the mass closures of community media centers throughout the state. Over fifty centers that we know of that used to provide community access to cable channels have closed their doors because state law created loopholes for cable operators, resulting in reduced or discontinued funding for centers. In San Jose, DIVCA greatly influenced the language that was inserted into our local franchise agreement which was being negotiated at that time. As a result, CreaTV San Jose was one of the first access centers in the state that could not use franchise fee dollars for operations, but only capital equipment and support (paid to cities by the cable operator in exchange for using our “public rights of way”). We have a healthy equipment budget, and no operating revenue. As a result, our hands are tied in terms of how robustly we can serve the community. We are also one of the few access centers in the state that charges for all services and use of equipment because we have to raise all of our operating money.

Still, we have gotten creative. In four years, we are the “go to” production company for 150 non-profits orgs who would not otherwise have the opportunity to learn how to use digital media technologies, or be able to affordably create videos that they so desperately need to market themselves and serve their clients. We have nine youth media programs privately funded through corporate partners, allowing us to give hundreds of kids a healthy, creative and educational outlet in which to story tell and engage in their community. I have been involved in community media for twenty years, and with the advent of new technologies and distribution methods, our industry is busier than ever. Using video to communicate is standard practice, and its becoming more and more critical that our society become digitally literate in order to engage. We see CreaTV’s role as a community media “hub,” a communications resource, a community connector in the education and non-profit sectors, and the community voice on cable.

Two weeks ago, a delegation from the White House came to CreaTV to study our Youth Voices Initiative, which brings former gang members, at risk kids, and youth leaders together to create a media campaign aimed at keeping kids out of gangs. The youth are creating thirty minute in depth talk shows in our studio that we will collectively market to their peers. This is just one of many innovative ways that a community media center can be a vital tool in civic engagement and problem solving.

Imagine what our 3,000 channels and hundreds of PEG organizations across the country could do if we were better supported, through legislation that would lift an archaic, immobilizing and completely unnecessary capital funding restriction that sits in the cable act?

Suzanne St. John-Crane

Executive Director, CreaTV San Jose
255 West Julian Street, Suite 100

San Jose, CA 95110
408-295-8815 x302
Suzanne@creatvsj.org